

Examiner requests a copy of the Aurigin's PCT application WO98/55945. Applicant would like to inform the Examiner that the Aurigin's PCT application (to Rivette, et. al.) WO98/55945 contains 469 pages and a copy is hereby submitted on CD. Applicant reminds examiner that she can download from her own resources at the USPTO.

With regard to claims 12 and 19 being rejected under 35 USC 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

With regard to claims 12 and 19 being rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 (and its dependent claim 19) recite a "*system*" comprising a "*server...client and computer program*" for storing, retrieving and searching. The Examiner notes the disclosure of the present invention expressly states "*the server executes SIPS-VSM to run its intelligent agent.*" See Specification page 7 which states that "*computer executes the intelligent search engine.*" The Examiner's own interpretation is that all functions described herein may be performed in either hardware or software. Thus, for the purposes of examination, the Examiner interprets the recited "*determining unit and the recited "system"*" to comprise only computer software. Accordingly, the "*system*" recited in claims 12 and 19 are in fact software systems and this fact is clear throughout the specification.

Computer software is not a process, a machine, a manufacture or a composition of matter. Accordingly, claims 12 and 19 fail to recite statutory subject matter, as defined in 35 USC 101.

Claim 12, which has been previously presented, is clearly describing a process which can be implemented by using a computer. The functionality and utility of the invention and the results of using the invention is clearly described as follows: the system allows for searching, retrieving, and storing into and from one or more databases information regarding intellectual property within a technology exchange, a problem solving database, and a science and engineering database, *resulting in model mapping and valuing said intellectual property according to one or more search criteria specified by a user*

With regard to claims 12, 19 and 20 being rejected under 35 USC 103(a) as being unpatentable over Rivette, et. al. (U.S. Pat. No. 6,499,026) herein referred to as Rivette in view of Kevin W. Boyack, et. al. (Paper entitled. "Analysis of patent Databases Using VxInsight", March 29, 2001, Published by Sandia National Laboratories and referred to Boyack hereinafter). Neither Rivette nor Boyack individually nor in combination describe the simultaneous or instantaneous retrieving, analyzing, mapping and valuing of IP in a technology space. Prior to the filing date of 6/29/2001. In fact, Boyack's description of the software developed at Sandia, VxInsight, is identical in function and design in most respects to the invention described by Rivette. Neither the patent by Rivette nor the paper by Boyack include adding the valuation portion to the mapping portion of the present disclosure.

Claims listing:

Claims 1-11 (Canceled)

Claim 12 (Previously presented)

Claims 13-19 (Currently amended)

Claim 20 (Previously presented)

Claims 21-22 (Currently amended)



Applicant submits that the application is now in condition for allowance, and early notification of such action is earnestly solicited. This case was provided a Notice of Allowance in 2003 and has been pending for over 5 years since that time.

Please deduct any shortages of fees from the USPTO account for Customer #29439.

Dated this 14th day of November 2008

Respectfully Submitted,

By: 

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